

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

MONSTER ENERGY COMPANY,  
a Delaware corporation

Plaintiff,

v.

MONSTER ESCORTS, LLC,  
a Georgia limited liability company,

Defendant.

Civil Case No. 7:14-CV-184-HL

**FINAL CONSENT JUDGMENT  
AND PERMANENT INJUNCTION  
AGAINST MONSTER ESCORTS,  
LLC**

Hon. Hugh Lawson


Plaintiff Monster Energy Company (“Plaintiff” or “MEC”) and Defendant Monster Escorts, LLC (“Defendant”) consent and agree to the terms and conditions of this Final Consent Judgment and Permanent Injunction.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

1. The Court has personal jurisdiction over each of the parties to this action. The Court also has subject matter jurisdiction over this action pursuant to 15 U.S.C. §§ 1116 and 1121(a) and 28 U.S.C. §§ 1331, 1338, and 1367(a). Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b) and (c).

2. MEC is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 1 Monster Way, Corona,

California 92879. MEC is in the business of developing, marketing, selling, and distributing beverages, including energy drinks, including MEC's MONSTER<sup>TM</sup> line of energy drinks, the containers of which display MEC's MONSTER<sup>TM</sup> mark

and/or  ® mark ("Claw Icon Mark"). Many of the containers also display MEC's MONSTER trade dress, an example of which is shown below.



3. Defendant Monster Escorts, LLC is a limited liability company organized and existing under the laws of the State of Georgia, having a principal place of business at 5234 Val Del Road, Adel, Georgia 31620. Defendant is engaged in the business of offering wide-load escort car services, including providing escort or pilot cars that travel with trucks or other shipping vehicles carrying over-size loads on highways and other roadways.

4. Defendant agrees that MEC's trademarks and United States Trademark Registrations, United States Copyright Registrations, and MONSTER

trade dress identified in MEC's Complaint filed in this case are valid and enforceable. Defendant has used MEC's Claw Icon Mark, MONSTER™ mark, MONSTER trade dress (or a trade dress confusingly similar thereto), and MEC's copyrighted works in connection with Defendant's business as shown, for example, in the photographs below.



Defendant agrees that its use of the Claw Icon Mark, MONSTER™ mark, and MONSTER trade dress (or elements thereof) infringes MEC's rights in the Claw Icon Mark, MONSTER™ mark, MONSTER trade dress, and MEC's copyrighted works. Defendant also agrees that its use of the Claw Icon Mark and

MONSTER™ mark dilutes the distinctive quality of MEC's famous Claw Icon Mark and MONSTER™ mark.

**NOW, THEREFORE, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, AS FOLLOWS:**

A. Final judgment is entered in favor of MEC and against Defendant on MEC's claims for: (1) trademark infringement under 15 U.S.C. § 1114; (2) trademark infringement, trade dress infringement, and false designation of origin under 15 U.S.C. § 1125(a); (3) federal dilution under 15 U.S.C. § 1125(c); (4) copyright infringement under 17 U.S.C. § 501 *et seq.*; (5) trademark dilution under O.C.G.A. § 10-1-451(b); (6) deceptive trade practices under O.C.G.A. § 10-1-370 *et seq.*; (7) encroachment under O.C.G.A. § 23-2-55; and (8) unfair competition under the common law of the State of Georgia.

B. Defendant, and its parents, subsidiaries, affiliates, successors, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, who receive actual notice of this injunction by personal service or otherwise, are permanently restrained and enjoined from using in any way: (i) MEC's Claw Icon Mark, or any marks that are confusingly or substantially similar thereto, (ii) MEC's MONSTER™ mark or any of MEC's other MONSTER inclusive marks (including those identified in MEC's Complaint), or any marks

that are confusingly or substantially similar thereto, (iii) MEC's MONSTER trade dress, or any trade dress that is confusingly or substantially similar thereto, and (iv) MEC's copyrighted works identified in MEC's Complaint, or any substantially similar works.

C. Within ten days after entry of this Final Consent Judgment and Permanent Injunction, Defendant shall deliver to counsel for MEC for destruction any advertising or promotional materials relating to Defendant or its business that bear MEC's Claw Icon Mark, MEC's MONSTER mark or MEC's other MONSTER Marks, MEC's MONSTER trade dress, or MEC's copyrighted works.

D. Defendant shall serve on MEC within thirty (30) days after entry of this Final Consent Judgment and Permanent Injunction, a report, in writing, under oath, setting forth in detail the manner and form in which Defendant has complied with this injunction.

E. This Court shall retain jurisdiction of this matter for all purposes, including for the purpose of enforcing the terms and provisions of this Final Consent Judgment and Permanent Injunction.

**IT IS SO ORDERED.**

Dated: January 22, 2015

s/ Hugh Lawson  
Hon. Hugh Lawson  
United States District Judge

**SO STIPULATED AND APPROVED AS TO FORM:**

Dated: January 21, 2015 By: 

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Dated: JANUARY 20, 2015 By: Bradley Miles Hannan

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